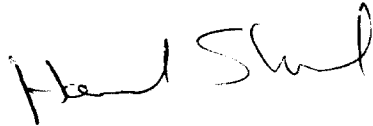


AN ORDINANCE



04-0-0752

BY COUNCILMEMBER HOWARD SHOOK:

AN ORDINANCE TO ABANDON THAT PORTION OF ROXBORO CIRCLE, NE LOCATED BETWEEN ROXBORO ROAD AND THE TERMINUS OF THE CUL-DE-SAC, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 9 OF THE 17<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has received a formal request to abandon a portion of ROXBORO CIRCLE, NE (said portion will be defined in section one below, and will be hereinafter referred to as the "Roxboro Property"). The request has come from the Roxboro Property's abutting property owner (hereinafter "Abutting Property Owner") for the purpose of using the Roxboro Property for his own private use; and

WHEREAS, the request to abandon the Roxboro Property has been reviewed by the proper city agencies and by all public utilities prior to passage of the legislation; and

WHEREAS, the abandoned Roxboro Property will become part of the Abutting Property Owner's private property and will be his responsibility to maintain, operate, and provide all services and utilities; and

WHEREAS, the Abutting Property Owner has agreed to acquire the Roxboro Property from the City of Atlanta for the Roxboro Property's appraised fair market value; and

WHEREAS, the Abutting Property Owner has offered to reimburse a portion of the appraised fair market value of the Roxboro Property by donating to the City three parcels of property located at the corner of Roxboro Road and Kingsboro Road, PIN numbers 17-0009-0004-013, 17-0009-0004-12, and 17-0009-0004-013), (hereinafter "Potential Donated Property") for use as parkland; and

WHEREAS, the City owns two parcels of property located adjacent to the Potential Donated Property (PIN numbers 17-0009-0004-046 and 17-0009-0004-014), (hereinafter "Adjacent City Property"). Should the Abutting Property Owner donate the Potential Donated Property to the City, the City would have five parcels of property on which to build a small park; and

WHEREAS, the Adjacent City Property is currently under the authority of the Department of Watershed Management. In the event that the Abutting Property Owner donates the Potential Donated Property to the City, the Department of Watershed Management will need to transfer the Adjacent City Property to the Department of Parks, Recreation, and Cultural Affairs; and

WHEREAS, the City is committed to increasing the amount of greenspace throughout the City, and recognizes the value of using the Potential Donated Property and Adjacent City Property as a new park.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1. That the portion of ROXBORO CIRCLE, NE located between Roxboro Road and the terminus of the cul-de-sac, lying and being in Land Lot 9 of the 17<sup>th</sup> District, Fulton County, Georgia, and being more specifically described in the attached exhibit "A", (previously and hereinafter the "Roxboro Property"), is hereby declared no longer useful or necessary for the public's use and convenience.

SECTION 2. That the City's intent is hereby given to abandon the Roxboro Property.

SECTION 3. That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the Roxboro Property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

SECTION 4. That the Chief Procurement Officer be and is hereby authorized to appraise said Roxboro Property to determine its fair market land value.

SECTION 5. That all costs associated with the appraisal report shall be charged to and paid from Account Number 3P02 574001 M22F03349999.

SECTION 6. That the Mayor, on behalf of the City, is hereby authorized to execute a quitclaim deed to the Roxboro Property to the Abutting Property Owner in exchange for the Abutting Property Owner's paying the City the fair market value of the Roxboro Property, as determined by the appraisal of said Roxboro Property.

SECTION 7. That the Abutting Property Owner be permitted to pay a portion of the fair market value of the Roxboro Property by donating to the City the Potential Donated Property. Should the Abutting Property Owner donate said Potential Donated Property to the City, the fair market value of the Potential Donated Property, as determined by an appraisal thereof, shall be deducted

from the fair market value of the Roxboro Property, and the Abutting Property Owner shall be pay to the City the difference between the two fair market values.

SECTION 8. That the Mayor, on behalf of the City, is hereby authorized to accept a deed or deeds for the Potential Donated Property.

SECTION 9. That the Potential Donated Property shall be used as parkland.

SECTION 10. That, in the event that the Abutting Property Owner donates the Potential Donated Property to the City, the Department of Watershed Management shall transfer, without cost, the Adjacent City Property to the Department of Parks, Recreation and Cultural Affairs, and said Adjacent City Property shall be used as parkland.

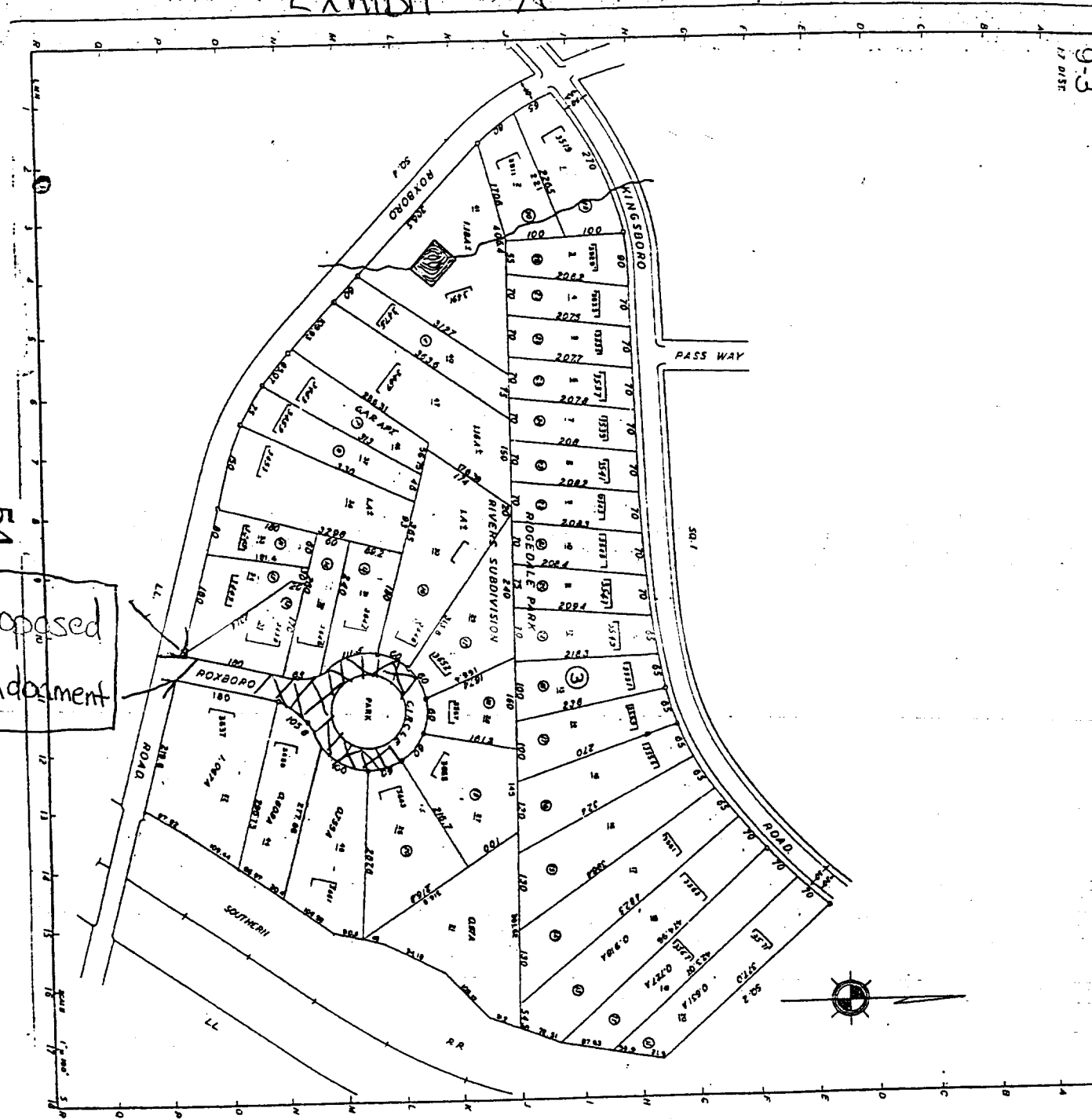
SECTION 11. That the Chief Procurement Officer be and is hereby authorized to appraise the Potential Donated Property to determine its fair market value.

SECTION 12. That all costs associated with the appraisal report shall be charged to and paid from Account Number 3P02 574001 M22F03349999.

SECTION 13. That all ordinances in conflict herewith are hereby repealed for purposes of this Ordinance only, and only to the extent of the conflict.

# Exhibit "A"

54  
Proposed  
Abandonment



PROPERTY OF JOINT CITY OF ATLANTA -  
CLINTON COUNTY TAX RECORDS

04-0-0752

(Do Not Write Above This Line)

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*And Shook*

BY COUNCILMEMBER HOWARD SHOOK

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- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 4/19/04  
Referred To: City Utilities  
Date Referred \_\_\_\_\_  
Referred To: \_\_\_\_\_  
Date Referred \_\_\_\_\_  
Referred To: \_\_\_\_\_

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

Committee	Committee
Date	Date
Chair	Chair
Action	Action
Fav, Adv, Hold (see rev. side)	Fav, Adv, Hold (see rev. side)
Other	Other
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action	Action
Fav, Adv, Hold (see rev. side)	Fav, Adv, Hold (see rev. side)
Other	Other
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION  
☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

MAYOR'S ACTION